

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENVIGO RMS, LLC,

Defendant.

Case No. 6:22-cv-00028-NKM

**MOTION FOR PRELIMINARY
INJUNCTION**

COME NOW, the United States respectfully moves for a preliminary injunction under Federal Rule of Civil Procedure 65(a) against Envigo RMS, LLC (“Envigo”), its officers, agents, servants, employees, and anyone working in active concert with it. As set forth in the accompanying Memorandum of Points and Authorities in Support of a Preliminary Injunction, the United States is likely to succeed on the merits of its claims that Envigo is violating the Animal Welfare Act (“AWA”) and its implementing regulations and standards by failing to, among other claims, provide adequate veterinary care and safe and sanitary living conditions for the more than 3,000 beagles at Envigo’s facility located in Cumberland, Virginia.

On May 21, 2022, the Court issued a temporary restraining order (“TRO”), requiring Envigo to comply with certain terms of the AWA within the timeframe set out in the Court’s order. *See* ECF No. 6.¹ The United States now respectfully requests that the Court enjoin

¹ The United States has not included a subset of the provisions of the TRO in this request for relief. Based on observations made during a June 8, 2022 compliance visit, Envigo has not complied with certain terms of the Court’s May 21, 2022 order, including provisions 1, 3, and 4. The United States has alerted counsel for Envigo of this deficiency and of the United States’ intent to address the issue of compliance with these provisions in a motion to enforce. As of June 8, 2022, Envigo had not yet complied with other terms of the TRO, including provisions 6 and 7. However, Envigo’s deadline to comply with those terms is June 15, 2022. *See* ECF No. 13.

Envigo, its officers, agents, servants, employees, and anyone working in active concert with it from further violating the AWA and its implementing regulations and standards. Specifically, the United States requests the following relief:

1. Within 24 hours of the Court's Order, ensure that potable water is continuously available to all beagles at the Cumberland Facility, consistent with 9 C.F.R. § 3.10(a).
2. Within 7 days of this Order, ensure that each dog and puppy is provided the minimum amount of floor space consistent with 9 C.F.R. § 3.6(c)(1)(i) and every nursing dog is provided the minimum amount of floor space consistent with 9 C.F.R. § 3.6(c)(1)(ii).
3. Within 7 days of this Order and thereafter, ensure that every primary enclosure housing beagles is free of excessive rust, jagged edges, sharp points, and is otherwise maintained consistent with 9 C.F.R. § 3.1(a), (c)(1).
4. Within 7 days of this Order and thereafter, ensure that every primary enclosure housing beagles is maintained, cleaned, and sanitized consistent with 9 C.F.R. § 3.1(c)(3) and 3.11.
5. Within 7 days of this Order and thereafter, ensure that every primary enclosure housing beagles allows the beagles to remain dry and clean, consistent with 9 C.F.R. § 3.6(a)(2)(v).
6. Ensure that every beagle is provided uncontaminated, wholesome, palatable food of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition. Envigo must feed each beagle at least once a day. Envigo must seek consent of counsel for the United States or, if counsel does not consent, a court order to feed any animal less than once a day. *See* 9 C.F.R. § 3.9.
7. Provide adequate veterinary care to all dogs and puppies consistent with 9 C.F.R. § 2.40. Veterinary care, including dental work, shall be provided by a licensed veterinarian. For any veterinary care provided to any dog or puppy at the Cumberland Facility, provide medical records to counsel for the United States within 72 hours of the animal receiving care or treatment. All medical records must comply with 9 C.F.R. § 3.13(b), and must include:
 - a. The unique identification number, identifying mark, sex, and age of the beagle;

- b. If a problem is identified (such as a disease, injury, or illness), the date and a description of the problem, examination findings, test results, plan for treatment and care, and treatment procedures performed, when appropriate;
 - c. The names of all vaccines and treatments administered and the dates of administration;
 - d. The dates and findings/results of any screening, routine, or other required or recommended test or examination.
- 8. Provide notice to counsel for the United States within 72 hours of any dog or puppy found having injuries attributable to or consistent with a fight, as well as wounds of an unknown cause, including lacerations to ears and tail injuries.
- 9. Have a licensed veterinarian document the death of any dog or puppy and timely perform a necropsy.
- 10. Provide notice and a copy of the necropsy report to counsel for the United States within 72 hours of receiving the necropsy report from the veterinarian.
- 11. Immediately cease disposing of any beagle at the Cumberland Facility by transferring from the Cumberland Facility or euthanizing any beagle at the Cumberland Facility. Envigo is required to seek the consent of counsel for the United States or, if they do not consent, a court order to transfer other than by dealing or to euthanize any beagle at the Cumberland Facility. Any euthanasia must be performed by a licensed veterinarian or a licensed veterinary technician who is acting under the direct supervision of a licensed veterinarian.
- 12. Immediately cease breeding, selling, or otherwise dealing in beagles at the Cumberland Facility until in full compliance with the terms of this Order and the Court's May 21, 2022 Order, ECF No. 6, at 23.
- 13. Provide notice to counsel for the United States within 72 hours of the birth of any puppies, including the number of puppies born, the unique identification number of the dam, and the sex and unique identification numbers assigned to the puppies. *Id.*
- 14. Permit unencumbered access to the Cumberland Facility by the United States, its agents, and any contractor assisting the United States to check for compliance with this Order and the Court's May 21, 2022 Order, ECF No. 6.

DATED: June 10, 2022

Respectfully Submitted,

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